

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CITIZENS BANK,)	CASE NO. 1:08 CV 2174
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
CINEMA PARK L.L.C., <i>et al.</i> ,)	
)	<u>REPORT & RECOMMENDATION</u>
Defendants.)	

This case comes before me on consent of the plaintiff, Citizens Bank, and certain but not all of the defendants joined in the complaint.¹ Until all defendants have consented to my jurisdiction, or those who have not so consented have been removed from the case by order of the District Judge, this case must proceed as on referral.

Citizens Bank has moved to dismiss defendant Lightning Demolition and Excavating as having disclaimed any right, title, or interest in the property in dispute in this case.²

On consideration whereof, I hereby recommend that the motions to dismiss defendant Lightning Demolition and Excavating be granted.

Dated: February 20, 2009

s/ William H. Baughman, Jr.
United States Magistrate Judge

¹ ECF # 87.

² ECF # 124.

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.³

³ See, *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).